REMARKS

The foregoing Amendment and the following Remarks are submitted in response to the Office Action issued on April 14, 2005 in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response to the Office Action.

Claims 106-281, 283-291, and 293-299 are pending, with claims 106-279 being withdrawn from consideration as being directed to a non-elected invention. Independent claims 280 and 290 have been amended to include subject matter from claims 282 and 285 and 292 and 295, respectively, claims 282 and 292 have been canceled, and claims 285 and 295 have been amended. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

Inasmuch as independent claims 280 and 290 have been amended to include subject matter from claims 282 and 285 and 292 and 295, respectively, Applicants address the rejection of such claims in terms of the section 103 Krishnan- Stefik rejection.

In particular, the Examiner has rejected claims under 35 U.S.C. § 103(a) as being obvious over Krishnan et al. (U.S. Patent No. 6,073,124) in view of Stefik (U.S. Patent No. 5,715,403). Applicants respectfully traverse the § 103(a) rejection.

Independent claim 280 as amended recites a method for a server to provide to a client computer a digital license of one or more rights to render digital content, where the digital content is encrypted with a decryption key. In the method, the server receives from the client computer a license request, where the license request contains a key identifier that identifies the decryption key and a client certificate associated with the client computer. The client certificate includes a public key associated with the client computer. In response to the

request, the server generates a license response including a digital rights license, the

decryption key identified by the key identifier, and at least one server certificate to be used by

the client computer to validate the license response. Thereafter, the server transmits the

license response to the client computer.

As amended, claim 280 also recites that the generating comprises applying the

key identifier as an input to an algorithm by which the decryption key is produced, encrypting

the decryption key with the public key to obtain an encrypted decryption key, and generating

the license response including the encrypted decryption key and at least one certificate to be

used by the client computer to validate the license response.

Independent claim 290 recites subject matter similar to that of claim 280

except that claim 290 does not require that the server itself generate the license response.

Thus, and again, the invention as recited in claims 280 and 290 involves

delivering a license to a client computer in response to receiving a request for same with a

key identifier identifying a decryption key for corresponding content. Based on such key

identifier, the decryption key itself may be produced and included with the license. As now

set forth in the present Application, the key identifier is applied as an input to an algorithm by

which the decryption key is produced.

The Krishnan reference discloses a system for facilitating digital commerce

wherein a client obtains content from a content server and then obtains an electronic license

certificate (ELC) or license from a licensing broker / server. In such Krishnan reference at

column 14, lines 35-39 that a DeveloperID field and a SecretKey field are used to create a

symmetric key to decode the Krishnan license as generated by the licensing broker.

However, such a symmetric key is not a decryption key for decrypting encrypted content, as

is required by claims 280 and 290, and such fields do not represent a key identifier for a

decryption key, as is required by claims 280 and 290.

Moreover, although the Krishnan reference does disclose that the content

thereof can be encrypted, such reference is entirely silent with regard to any disclosure that

such content can be decrypted according to a decryption key that is identified by a key

identifier, as is required by claims 280 and 290, or that such a key identifier is received from

a requesting client as part of a request for a license, as is also required by claims 280 and 290.

Instead, the Krishnan reference teaches that the license as decrypted exposes code that can

then be combined with the Krishnan content to result in a complete executable that may be

executed. Finally, the Krishnan reference is entirely silent with regard to generating a license

by applying a key identifier as an input to an algorithm by which the decryption key is

produced, encrypting the decryption key with a public key to obtain an encrypted decryption

key, and generating a license response including the encrypted decryption key and at least

one certificate to be used by the client computer to validate the license response, all as is now

required by claims 280 and 290.

The Stefik reference discloses a system for controlling use and distribution of

digital works. The system is exemplified by multiple repositories wherein the digital works

are stored and accessed from such repositories, and are transferred only between such

repositories. Each repository is a trusted system and can operate in a requestor mode for

requesting a digital work from another repository and a server mode for responding to a

request from another repository. Importantly, and as disclosed beginning at column 9, line

20, usage rights (i.e., a license with license terms) are attached to digital works in the Stefik

system, and both the work and its attached license are transmitted from a serving repository

(at a content provider, e.g.) to a requesting repository (at a client, e.g.). See also Fig. 1 and column 7, lines 16-48. Accordingly, the Stefik reference does not disclose or suggest a package with encrypted digital content, where the package is separate and apart from a corresponding license, and the Stefik reference therefore is not concerned with providing a license for already-obtained content, as is the case with the claims of the present application.

Consequently, the Stefik reference like the Krishnan reference is entirely silent with regard to generating a license by applying a key identifier as an input to an algorithm by which a decryption key is produced, encrypting the decryption key with a public key to obtain an encrypted decryption key, and generating a license response including the encrypted decryption key and at least one certificate to be used by the client computer to validate the license response, all as is now required by claims 280 and 290.
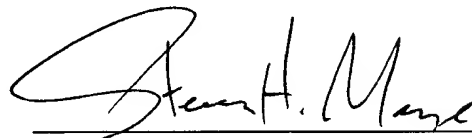
Thus, for all of the aforementioned reasons, Applicants respectfully submit that the Krishnan and Stefik references cannot be combined to make obvious any of claims 280 or 290 or any dependent claims depending therefrom. As a result, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of such claims.

In view of the foregoing, Applicants respectfully submit that the present

Application including claims 280, 281, 283-291, and 293-299 is in condition for allowance

and such action is respectfully requested.

Respectfully submitted,

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